

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF**

ORIGINAL

76-1001

**United States Court of Appeals
For the Second Circuit**

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PJS

UNITED STATES OF AMERICA,
Plaintiff-Appellee.

-against-

ERNST OLSEN,
Defendant-Appellant.

*On Appeal From The United States District
Court For The Southern District of New York*

Appellant's Brief

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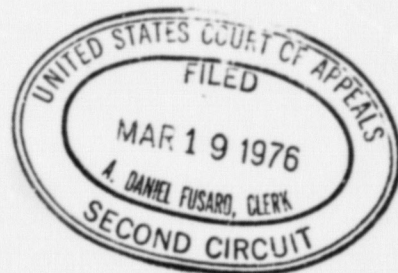


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UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

UNITED STATES OF AMERICA,
Respondent,

Docket No.
76-1001

- against -

ERNST OLSEN,

Defendant-Appellant

PRELIMINARY STATEMENT:

This is an appeal from a judgment entered in the United States District Court for the Eastern District of New York (Ward, J.) after a trial by jury which convicted appellant of conspiring to import narcotics in violation of Section 812, 841 (a) (1), 841 (b) (1) (A), 951 (a) (1), 952 (a), 960 (a) (1) and 960 (b) (1) of Title 21 U.S.C. and three counts of possessing with intent to distribute schedule 1 narcotics in violation of Title 21 U.S.C. Sections 812, 841 (a) (1) and 842 (b) (1) (A). Appellant was sentenced to a fifteen (15) year concurrent term of imprisonment and a special concurrent parole term of three (3) years. Said sentences to run concurrently with the five (5) year sentence meted out by the United States District Court for the Eastern District.

THE ISSUE PRESENTED TO THIS COURT
FOR REVIEW:

1. Did a second trial for a course of events prosecuted in the Eastern District of New York violate the 5th Amendment prohibitions against double jeopardy?

THE FACTS:

According to Stanley Wong (Wong Shing Kong) in association with appellant, he smuggled narcotics from the Far East to the United States from 1968 through 1972 when Mr. Wong's associates in Taiwan and his Bangkok source Ma Sze Sung and Ma's nephew Tony, were arrested. The hills of North Thailand provided refuge for Stanley Wong to remain "cool". In December 1972 Stanley Wong came down from the hills into the arms of Thomas O'Grady at the American Embassy. Provided with immunity from prosecution and \$7,000.00 in government funds, Mr. Wong continued to earn these favors at appellant's expense. Having had a successful try-out out of town in the Eastern District of New York, U.S.A. v. Olsen, 74 CR 627, affirmed by this Court, Docket No. 75-1270; is being kept on tab for a third run against appellant in 74 CR 954, now pending before Honorable John M. Cannella. Those two prosecutions encompassed the period from 1968 through 1971. This trial was carved out of the time period 1971 through 1972. (103-106, 108, 128-130, 134, 579

*() Refers to pages of the record

In early 1971 appellant and Stanley Wong had run out of sources of supply for their narcotics operation. Charlie Sze (Sze Chun Kam) introduced Stanley Wong to Ma. Ma owned Rusami Jewelry store in Bangkok, Thailand, and with his nephew Tony Ma, Ma was able to supply Stanley Wong with large quantities of heroin on a week's notice. Stanley Wong quickly located appellant, then on vacation in Bangkok, and told him of this new source of narcotics. Appellant resumed recruiting seamen to carry the narcotics abroad in ships sailing for New York. Stanley Wong flew to New York, met a New York distributor Lam Kim Sang (Lam). Stanley Wong and appellant resumed their narcotics smuggling. (103-106, 108-112, 120-130, 132-135, 201-203, 545, 558, 559, 613, 616-618, 628, 630, 631, 633-736, 1009-1115, 1122, 1123, 1124, 1127, 2028-2033).

Wong related how the method that he and appellant had used, secreting quantities of narcotics in ships destined for the New York ports was wrought with danger. One shipment was rejected by a seaman named Anek. An additional snag occurred when appellant was unable to sign aboard a ship either in Bangkok or Japan. Stanley Wong was left holding a quantity of narcotics without transportation. To remedy this, Stanley Wong purchased ten (10) items of luggage with concealed compartments. Appellant made a maiden voyage with heroin secreted in the luggage, flying from

Bangkok to New York. Stanley Wong contacted Lam in New York, informing him of the shipment. Two cases were hand carried, the other two were sent by air cargo addressed to the Swedish Seamen's Center, Brooklyn, New York (35, 149-158, 162-166, 185-187, 191, 199-204, 736-738).

Lam met appellant at the airport and took him and his two suitcases with the concealed compartments to the George Washington Hotel in Manhattan. Twenty-two and a half (22-1/2) pounds of heroin were removed from the suitcases in appellant's hotel room and taken to Lam's home in Flushing. Lam sold the narcotics in New York to Lee Louie and Jean Lou and to an arrival from San Francisco Victor Leong. Looking to increase his markets Lam flew to San Francisco with Victor Leong. In San Francisco Lam looked up an old acquaintance in the gambling business, Wong Chou Shek (Wong Chou). In turn Wong Chou introduced Pon You Wing (Fuh). Ah Fuh, as he is called in Chinese, took two trips to New York to transport heroin to San Francisco, negotiated with Lam for a lower price, secured a stash for the narcotics purchase from Lam, and got caught making a sale to the San Francisco police using Wong Chou's name; but maintains that he was merely a flunky for Wong Chou, acting on orders, Wong Chou making all the arrangements. However when arrested Ah Fuh was instrumental in securing Wong Chou's freedom by telling the authorities Wong Chou was a gambler and was not involved. (738-742, 748-768, 1326, 1330-1332, 1334, 1358, 1391, 1406, 1417-1423, 1501-1507, 1509, 1560-1578, 1580-1583, 1593-1603, 1665, 1668, 1669).

As testified by Fuh he handled payments and deliveries, albeit, with the aid of Chou, who bought the airline tickets. It was Fuh who returned from New York with Lam and Lam's girlfriend on Fuh's first trip; Fuh's version (Fuh's second trip; Lam's version). Fuh made deliveries to Louie Gin (Louie Yie Che) at his apartment and in an automobile left by Lam on the street with narcotics in the front seat and in an automobile near Gin's house. (781-784, 789-792, 1335, 1337-1341, 1343-1346, 1350, 1354, 1356-1367, 1383, 1389, 1390, 1391, 1395-1397, 1399-1403).

Back from the Far East appellant was busy recruiting seamen to deliver narcotics. He recruited Steiner Furu, John Thomsen, Arne Andersen, Bernard Dalan, Fleming Snitgaart, Kai Swedberg and Seamen known to Stanley Wong as John, Eric and Gustafson. Fifteen (15) pounds of heroin was shipped to New York by Furu and the seaman known as Gustaffson on board the Thomas Maersk. A seaman aboard the Trein Maersk known to Stanley Wong only as John took 15 pounds of heroin to New York. John Thomsen sailing with the Luna Maersk took 20 pounds to New York. And Eric took 18 pounds on board the Lica Maersk. John got cold feet and signed off the Trein Maersk at Hong Kong and returned to Bangkok with his shipment. The other three ships continued to sail to New York. (253-256, 260-273, 278, 576, 577, 1686-1-92).

Stanley Wong ever in search of foreign markets, flew to Vancouver, Canada while appellant was relocated to New York to await the arrival of the ships. A meeting with Robert Li leads to a Canadian distributorship for Li and Johnny Chau. Their best customer is Bin Hin Lo. Stanley Wong makes several trips to Vancouver to expedite this arrangement involving approximately 50 pounds of narcotics. Some of this Canadian bound heroin is shipped by air, some supplied by the shipment aboard the Thomas Maersk which docked in New York November 29, 1971. 7-1/2 pounds of heroin is taken by appellant to Canada. A faint hearted Johnny Chau refused to fly to Vancouver from Toronto with the false compartment cases. This caused appellant to complete the trip to Vancouver himself. Lam, who also had a Canadian customer, requested three pounds of heroin but agreed to accept 2-1/2 pounds which he converted with the help of Stanley Wong to 3-1/2 pounds in Vancouver with a liberal mixture of milk sugar supplied by Lam's New York associates the Chan brothers. These narcotics were sold to Paul Jang (Communist Pui). Three pounds of heroin are retrieved by Jang from under a car parked outside of Robert Li's house in Vancouver by a large white man, although it is Jang, who according to Lam retrieved the narcotics himself. The other half pound is retrieved by an old Chinese man. (278, 279, 285-292, 296, 310, 335-351, 800-818, 1837, 1838).

Stanley Wong who was in Vancouver when Lam was there and met him outside a hotel room twice, returned to New York to wait for the Lena and Lexa Maersk. He stayed at Lam's house with appellant until Lam learned of Fuh's arrest, panicked and requested they leave New York. Letters were immediately sent to the two ships before Stanley Wong and appellant left for Bangkok. (345-363, 799, 800, 805-808).**

One of appellant's seaman couriers, Eric aboard the Lexa Maersk, received the letter. He returned to Bangkok with his shipment. John Thomsen, however, did not get the message on time and unloaded his shipment on Christmas Eve, went to the Swedish Seamen's Center in Brooklyn and after celebrating a Christmas party and sleeping it off, returned to the Center to take care of the suitcases he had left in the middle of the lobby. Thomsen then sailed for Bangkok on the Luna Maersk leaving the suitcases in the Center in appellant's name. (392, 393, 416, 418, 1697, 1699-1701).

Stanley Wong meanwhile was busy servicing Vancouver. Sixteen (16) pounds were sent there with Arne Andersen, another of appellant's recruitments. On a dry run appellant traveled to Vancouver and when he had determined that the route was safe, sent for Andersen, whom appellant met in Vancouver. The narcotics

**Lam's version is the reverse, that first the call concerning the arrest in San Francisco was received by him and then he made the trip to Vancouver (808-819).

were taken to Robert Li's house and Andersen returned to Bangkok for another trip. Appellant accompanied Andersen with \$40,500 in hand; \$45,000 less Li's commission \$4,500. (365, 367, 371-378).

In Asia Stanley Wong picked up 100 pounds of opium that Furu and Gustaffson had aboard the Thomas Maersk which they had been unable to unload in New York and delivered that opium to a customer of Ma in Hong Kong. Bing Low, Stanley Wong's Canadian customer, was in Hong Kong and tried to get in touch with Stanley Wong there but failed. However, they did meet in Bangkok when Stanley Wong returned there. Bing Low was shown the operation and introduced to Ma. A Canadian reorganization was discussed and Charlie Sze, who had made the initial introduction between Stanley Wong and Ma and was now assisting Stanley Wong in routing the heroin, was sent to oversee the Canadian distributorship. Charlie Sze flew to Canada and while at the airport he ran into appellant in transit to New York to retrieve the cases Thomsen had stored in the Swedish Seamen's Center. These narcotics were delivered to Lam who stashed them in apartment 4B of 60 Broadway in New York. Appellant remained in New York for a few days celebrating the Tet New Year with Lam and Jimmy Ding, manager of Lam's restaurant in Port Washington. Appellant was dined at several restaurants as the guest of Lam, Jimmy Ding and Ding's girlfriend Miss Park. On one occasion appellant was introduced

to a travel agent friend of Lam's, Susan Lum Lee, with whom appellant negotiated the purchase of a ticket to Bangkok. Miss Lum Lee had lunch with appellant, Lam and Miss Park at Lam's restaurant while Jimmy Ding took care of the other customers. Jimmy Ding also recalls this meeting taking place however without his girlfriend Miss Park being present. Jimmy Ding acted as an intermediary in the air ticket negotiations between appellant, Lam and Miss Lum Lee, conveying the cost of the ticket to Lam. According to Lam, Miss Lum Lee's price was too high and appellant's air ticket was purchased elsewhere. (379-384, 387-390, 827-838, 1251, 1252, 1256, 1257, 1260, 1882-1834, 1836, 1837, 2034-2043).

Steiner Furu and Andersen were busy flying in heroin to Vancouver. Andersen returned with appellant on his way home from New York. More heroin was needed in Vancouver and appellant recruited another seaman, Bernard Dalan, to fly in 20 pounds. (395, 413, 414, 420, 432, 433).

Thomsen who had returned to Bangkok was advised of appellant's New York journey and was immediately sent to Hong Kong with some morphine aboard the Luna Maersk. In Hong Kong Stanley Wong and Thomsen exchanged heroin for morphine and Thomsen was again on his way to New York with 16 pounds of heroin in two suitcases aboard the Luna Maersk. (396-398, 414-418, 1702, 1704-1715).

Lam, meanwhile, had run out of heroin in New York and flew to Vancouver with Victor Leong to try to divert some of the Canadian supply. Charlie Sze, who was now managing the Canadian operations, refused to transfer any Canadian heroin. Lam returned to New York angry. Back in New York Lam found it necessary to fly to Canada once more to speak to Stanley Wong who had flown to Vancouver. They met in Toronto where Lam turned over money to Stanley Wong. Stanley Wong returned to Vancouver and Lam to New York. (435-438, 839, 842, 843, 2051, 2052).

In New York, Jimmy Ding, the manager of Lam's restaurant, was busy setting up a deal with undercover special agents Taylor and Chester. Ding, Jimmy Pang and Pang's wife whose apartment was used for the transfer, were arrested. Shortly thereafter two brothers, known as the Chan brothers, who kept Lam's stash and were associated with Lam in the United States New York distribution were also arrested. Lam conveyed this to Stanley Wong in Vancouver by telephone, requesting Stanley Wong to stop Thomsen's delivery aboard the Luna Maersk. (843, 1840-1846, 1967-1969, 1974-1984).

A letter was sent by Stanley Wong. However it arrived too late, thomsen having already signed off his ship. Thomsen took this shipment to a girlfriend's house rather than leave it at the Swedish Seamen's Center where he had stored the cases previously leaving them in the lobby unattended for an entire day. This time Thomsen considered the Center unsafe; too many

burglaries. Thomsen remained in New York awaiting money from appellant to buy an airline ticket to return to Bangkok. A letter and money arrived two months later and Thomsen flew to Bangkok. (438, 439, 1715-1719).

In Bangkok Stanley Wong sent a shipment to Montreal with Gustaffson aboard the Thomas Maersk which appellant was to meet on its docking and fly the shipment to Vancouver. This shipment was delivered to Charlie Sze who returned to Bangkok shortly thereafter. (443, 444, 446, 449, 2049, 2053).

Troubles with a shipment Stanley Wong had sent to Taiwan gave him notoriety. His name in the Taiwan newspaper as a major narcotics smuggler, caused Stanley Wong to head for the hills only to descend when Ma and Tony Ma were arrested by the Tai police. Fearful of the Tai police and Taiwan police, Stanley Wong laid bare his soul before a more friendly United States through DEA agent O'Grady. He even prevailed upon his friend and partner Charlie Sze to do likewise. (445, 450, 508, 511, 518, 527-529, 700, 701, 704, 708, 2054-2056, 2063).

Stanley Wong was now enlisted in the fight against narcotics in the United States. He travelled to the United States to enable John Thomsen to retrieve the suitcases left in New York when Lam's operation was prematurely terminated. After Thomsen took these suitcases from his girlfriend's house he was arrested. After Thomsen's conviction he also enlisted in the United States army of informers. Stanley Wong was not through. He and the agents took one pound of heroin retrieved from Thomsen and seized

by the DEA and had Stanley Wong sell it to a Philadelphia distributor. (457-460, 733-736, 1986, 1990, 2022).

POINT I:

A SECOND TRIAL FOR A COURSE OF EVENTS THAT WAS PROSECUTED IN THE EASTERN DISTRICT OF NEW YORK WAS A VIOLATION OF THE DOUBLE JEOPARDY PROHIBITION OF THE 5TH AMENDMENT TO THE UNITED STATES CONSTITUTION.

Appellant was convicted twice of conspiracy to import narcotics into the United States and the substantive crimes related to those conspiracies. The first conviction occurred in the Eastern District of New York, Criminal No. 74 CR 627, affirmed by this Court Docket No. 75-1270. This appeal concerns a second conviction of the same charge, albeit, the new narcotics law has replaced the old law. A third prosecution in the Southern District 74 CR 964 is pending before Honorable John M. Cannella. All three indictments emanate from a course of conduct testified to by the government's principal witness Stanley Wong, where he and appellant were engaged in smuggling narcotics into the United States from 1968 through 1972. (A15-A43, A153) What the government has done is divide this four year period into three segments by attempting to separate Wong's story by smugglers and distributors in different time periods. However even this arbitrary division shows the continuing nature of the Wong-Olsen enterprise. Conviction number 1 in the Eastern District

encompassed the time period January 1, 1969 through June 30, 1970. This appeal, conviction number 2 out of the Southern District attempts May 1, 1969 through the filing of the indictment. However, the last overt act and the last date listed or alleged in the indictment is December 24, 1972. In the wings is indictment number 3 charging a conspiracy and substantive crimes from January 1, 1968 through September 30, 1970. Even this superficial analysis of the indictments depicts an overlapping of dates; indictment number 1 in the Eastern District and indictment number 3 in the Southern District pending before Judge Cannella have identical terminal dates while indictment number 2, this appeal, is alleged to have begun during the period of the other two indictments.

A closer look at the indictments reveals certain surface similarities. Yeung Tak named in indictment number 1 and indictment number 3 is alleged to have performed the same function in both as the introducer (see overt act number 4, indictment number 1 and overt act number 1, indictment number 3). (A40, A154, A155) Overt act number 1 in indictment number 1 is overt act number 11 in indictment number 3 - involving Stanley Wong's and appellant's dealings in Singapore. While the operation was unloading and distributing narcotics in Brooklyn in March 1969 listed in indictment number 1, overt acts 2 and 3, Stanley Wong was collecting money in Philadelphia, Pennsylvania listed in indictment number 3, overt act 12. A payment of money to Stanley Wong in

January 1970 listed in indictment number 3, overt act 13, in New York occurred while appellant was preparing to unload narcotics for New York distribution and Stanley Wong was distributing these narcotics in New York through Lam as listed in overt acts 6 through 11 in indictment number 1.

Most revealing however is the testimony of Lam at this trial that distributions to Lee Louie listed in overt acts 16, 17 and 18 of this indictment number 2 and the substantive counts 3, 4 and 5 are the same acts listed in indictment number 1, overt acts 8, 9 and 10 and testified to by Lam at the trial in the Eastern District. (A22, A40, A78-A80, 750-757, 1011-1015, 1022) Lam was confused as to the time period. That Benny Fong, a co-conspirator in indictment number 1, is the Elong of Stanley Wong's testimony at the trial in the Eastern District and the same Eng Fong, a co-conspirator in this case, is likely. Lam and Stanley Wong's descriptions of that person conforming; Fong being a gambler whom Lam had met through his gambling operations. (A46, 776). There is also the possibility that many of the defendants in the three indictments are the same persons listed by different names.***

*** Appellant's motion to dismiss this indictment on the grounds of double jeopardy or collateral estoppel was dismissed without a hearing.

There is no doubt however that Stanley Wong's Eastern District testimony from A44-A47, A51-A53, A62-A67 are the same events testified to in the trial regarding appellant's participation in the abortive delivery of narcotics aboard a steamship and the plan to use suitcases with false compartments; and Lam's first dealings with Stanley Wong and appellant's first delivery to Lam in the suitcases with false compartments. (155, 166, 185-187, 200-202, 728-750, A75-A78, A83-A86). Also identical is testimony concerning narcotics sales to Lee Louie testified to by Lam in the Eastern District and the testimony of Lam in this case only the dates seem to differ. Likewise the testimony of a transfer of narcotics from Stanley Wong to Lam before the January 1972 trip to Vancouver is testified to in both the Eastern District and the Southern District trials. (A78-A80, A86, ~~A87~~, 801-808).

Stanley Wong's initial meeting with Ma is described in both the Eastern District and this trial. (109-111, A52) And Stanley Wong's retirement is likewise repeated at this trial including the surrender to Thomas O'Grady and Stanley Wong's capture of John Thomsen. (449, 450, 455-460, 734-736, A24-A72a)

John Thomsen's testimony in the Eastern District where it was admitted to show other similar acts was reiterated in this trial as part of the conspiracy. Both Thomsen trips to the

United States including the episode of storing the narcotics at the Swedish Seamen's Center in Brooklyn was repeated at this trial. Mr. Thomsen even alluded to his arrest when Stanley Wong acted as an enlistee in the aid of the DEA, in his testimony in the Eastern District. (1686-1702, 1715-1719, 1722-1727)

As can be garnered from an analysis of the testimony and indictments in these trials, Stanley Wong and appellant's involvement with each other in narcotics smuggling from 1968 through 1972 was so intertwined as to be incapable of separation. One conspiracy existed. Stanley Wong secured the supply and appellant handled the shipment. To slice up three conspiracies out of this course of conduct is merely carving "one larger conspiracy into smaller separate agreements" (U.S. v. Pacelli, 470 F. 2d 67, 72).

"This circuit has gone quite far in finding single conspiracies in narcotics cases." (U.S. v. Bertolotti, - F. 2d - (2nd Cir., slip opinion dec'd. 11/10/72, p. 6409, 6418).

Proof here exceeded that usually found in "chain narcotic conspiracy cases" (U.S. v. McClean, - F. 2d - (2nd Cir. slip opinion dec'd. 1/13/76, p. 1507, 1518). What was established was a close knit organization regularly shipping narcotics from the Far East to the United States and Canada with appellant and Stanley Wong as principal movers. Stanley Wong was in charge of the supply and distribution. It was appellant's job in all cases to recruit and manage the deliveries.

As in U.S. v. Mallah, 503 F. 2d 971, 985 and 986:

"Here, the alleged two conspiracies occurred in the same general location at the same general time. One involved a large scale narcotics ring; the known co-conspirators in the other transaction were foot soldiers. We know that a core member of the large-scale operation participated in both transactions, and that the narcotics business is such that it is likely that the foot soldiers were backed up by a larger organization. Moreover, Beverly Jalaba, Pacelli's mistress so close to Pacelli, it is also likely that she was close to his organization.

"We think that these facts are sufficient to satisfy appellant's burden of going forward, of putting his double jeopardy rights in issue. At this point, the burden shifts to the government to rebut the presumption, which the facts in this case support, that Papadakos, Possas and Jalaba were part of the Pacelli/Sperling organization."

Appellant was prosecuted for violating the same narcotics statutes a change in the narcotics laws notwithstanding. U.S. v. Nathan, 476 F. 2d 456.

Of the substantive counts appellant was convicted of, the testimony needed to convict under counts 2, 11 and 14 was presented in the Eastern District. Stanley Wong and Lam testified to support count 2 concerning defendant's first trip to the United States with the false compartmented suitcases. Lam took this tall westerner to the George Washington Hotel and there appellant opened the cases and gave Lam the narcotics. (737-741, A83-A86) Count 11 involved the second meeting of appellant with Lam where appellant and Stanley Wong stayed at Lam's Flushing house awaiting a shipment that appellant took to Vancouver. (801-808, A86-A87)

The third incident testified to by Lam in the Eastern District forms the basis for count 14. Appellant came to New York to retrieve three suitcases at the Swedish Seamen's Center in Brooklyn. Lam accompanied appellant and the two of them took the suitcases containing 20 pounds of heroin to the Chan brothers at East Broadway. (829-837, A87-A89)

The government has exercised "an undue amount of prosecutorial discretion to 'carv[e]' one larger conspiracy into smaller separate agreements by naming different overt acts and co-conspirators in different indictments", when one close knit conspiracy was testified to by the government witnesses. U.S. v. Bommarito, 524 F. 2d 140, 146.

What has been shown, is "that the offenses charged where in law and fact the same offenses". (U.S. v. McCall, 489 F. 2d 359, 362.) Appellant was convicted in the Eastern District on the same testimony that the government relied on for a conviction in this matter. Ashe v. Swenson, 397 U.S. 436, limited the government or any prosecutorial authority from having more than one attempt to convict for what is essentially the same offense. In this case as in Ashe v. Swenson, the government is entitled to only one bite out of the apple.

POINT II:

PURSUANT TO FEDERAL RULES OF APPELLATE
PROCEDURE, RULE 28(i), ALL RELEVANT
ARGUMENTS RAISED IN THE BRIEFS FOR THE
CO-DEFENDANTS ARE INCORPORATED BY REFERENCE.

CONCLUSION:

Appellant's conviction should be reversed and the indictment
dismissed.

Respectfully submitted,

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JERALD ROSENTHAL of
Counsel and IRVING KETCHER
on the Brief

KATCHER Peo. v. Dominick

STATE OF NEW YORK)
: SS.
COUNTY OF NEW YORK)

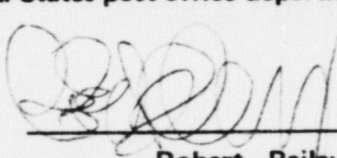
ROBERT BAILEY, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 286 Richmond Avenue, Staten Island, N.Y. 10302. That on the 19 day of March 1976 deponent served the within Brief upon:

~~MxAx~~ U.A. Atty. Southern Dist. of NY

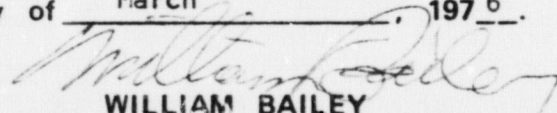
attorney(s) for
Appellee

in this action, at
1 St. Andrews Pl.
NYC

the address(es) designated by said attorney(s) for that purpose by depositing 3 true copies of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.


Robert Bailey

Sworn to before me, this 19
day of March, 1976.


WILLIAM BAILEY
Notary Public, State of New York
No. 43-0132945
Qualified in Richmond County
Commission Expires March 30, 1976